

AMENDMENT NO. _____ Calendar No. _____

Purpose: To require a study on refusal of operators of motor vehicles to be tested for intoxication.

IN THE SENATE OF THE UNITED STATES—108th Cong., 1st Sess.

(no.) _____

(title) _____

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. LAUTENBERG

Viz:

1 On page 18, between lines 11 and 12, insert the fol-
2 lowing:

3 (b) STUDY ON REFUSAL OF INTOXICATION TEST-
4 ING.—

5 (1) REQUIREMENT FOR STUDY.—In addition to
6 studies under section 403 of title 23, United States
7 Code, the Secretary of Transportation shall carry
8 out a study of the frequency with which persons ar-
9 rested for the offense of operating a motor vehicle

1 under the influence of alcohol and persons arrested
2 for the offense of operating a motor vehicle while in-
3 toxicated refuse to take a test to determine blood al-
4 cohol concentration levels and the effect such refus-
5 als have on the ability of States to prosecute such
6 persons for those offenses.

7 (2) CONSULTATION.—In carrying out the study
8 under this section, the Secretary shall consult with
9 the Governors of the States, the Attorney General,
10 and the United States Sentencing Commission.

11 (3) REPORT.—

12 (A) REQUIREMENT FOR REPORT.—Not
13 later than one year after the date of the enact-
14 ment of this Act, the Secretary shall submit a
15 report on the results of the study to the Com-
16 mittee on Commerce, Science, and Transpor-
17 tation of the Senate and the Committee on
18 Transportation and Infrastructure of the House
19 of Representatives.

20 (B) CONTENT.—The report shall include
21 any recommendation for legislation, including
22 any recommended model State legislation, and
23 any other recommendations that the Secretary
24 considers appropriate for implementing a pro-
25 gram designed to decrease the occurrence refus-

1 als by arrested persons to submit to a test to
2 determine blood alcohol concentration levels.

3 (4) FUNDING.—Amounts available for activities
4 under section 403 of title 23, United States Code,
5 shall also be available for the study required by this
6 section.